

15 a flap joining the top of each of the sidewalls, said method comprising the steps of:

placing the filter bag in the catch basin so that the bag sidewalls are adjacent to the catch basin sidewalls and the filter bag open top is positioned above the filter bag closed bottom;

placing the filter bag flaps into the recess of the upper end of the catch basin; and

sandwiching the flaps between the top of the basin and the grate sides, thereby holding the bag in place.

31. The method as claimed in claim 30 further comprising the steps of:

removing the grate after the filter bag has accumulated with solids;

5 removing the filter bag from the catch basin; and dumping of the filter bag.

32. The method as claimed in claim 31, wherein said filter bag further comprises a removal member secured to one of said filter bag sidewalls, the method further comprising removing the filter bag from the catch basin by using a lift member coacting with the removal member.

REMARKS

Claims 12-29 stand rejected under 35 U.S.C. §112, second paragraph, for various reasons. Specifically, the Examiner has rejected claims 12-29 as unclear as to whether the

CLAIM 13

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Applicant is claiming a filter, or combination of a filter and catch basin.

Applicant respectfully traverses this rejection in view of the amendments made to the claims and the following remarks.

Applicant's claims 12-27 are directed to a filter for use in a specific environment, namely a catch basin as defined in the preamble of claims 12, 22 and 27. The catch basin includes an inlet, outlet and basin sidewalls and grate adapted to overlap the catch basin inlet. The combination of the catch basin and the filter has been claimed in the parent application, which has eventuated into U.S. Patent No. 5,372,714. Therefore, it is believed that claims 12-27 now clearly claim a filter, not a combination of a filter and a catch basin.

The Examiner has also rejected claims 12, 22 and 27 under 35 U.S.C. §112 for failing to specify the lift rods 40. Applicant respectfully traverses.

Applicant's invention is directed to a filter bag with flaps extending from the bag sidewalls for use in a catch basin having a removable grate. In the preferred embodiment, lift rods 40 are received by loops defined in the flaps. Claim 12 has been amended to define that the loops are adapted to receive a lift rod. Further, Applicant's invention is broader than a filter bag including lift rods, namely a filter bag having flaps that are adapted to be held in place by the catch basin and removable grate. This aspect of the invention is clearly recited in independent claims 22 and 27.

Claims 28 and 29 stand rejected under 35 U.S.C. §112 because of the words "removal member" and "lift member". Claims

28 and 29 have been cancelled and their limitations have been incorporated into claim 27. Claim 27 requires the removal member to define a recess engageable with a lift member. In the preferred embodiment, the removal member includes lift rods 40 inserted in loops 44 and exposed openings 36. The lift member is a hook adapted to be secured to exposed lengths of the rods 40 in the openings 36, as described in the specification on page 5, lines 14-19. The "lift member" and the "removal member" need not be limited to the arrangements disclosed in the drawings and specification. In view of the foregoing, it is believed that the 35 U.S.C. §112 rejections are overcome.

Claims 12-29 stand rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 5,372,714.

In response, a Terminal Disclaimer is being filed concurrently herewith. In view of this Terminal Disclaimer, the double patenting rejection is overcome.

In view of the foregoing, claims 12-21 are patentable and in condition for allowance since no prior art rejections were made against these claims.

Claims 22-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,282,430 to Kinne. In response, claim 22 has been amended. In view of the amendment and the following remarks, the Examiner's rejection is respectfully traversed.

Claim 22 claims a filter for use with a catch basin and a grate. The catch basin includes an inlet through which water and solids flow into the catch basin, an outlet through which

water flows out of the catch basin. The inlet is positioned above the outlet. The catch basin also includes a plurality of basin sidewalls where each sidewall has an upper end at the basin inlet and a recess located at the upper end. The sidewalls define a chamber. The grate is located on the top of the basin inlet and includes grate sides seated in the recesses.

The filter as claimed in claim 22 includes a filter bag having flaps. The filter bag is adapted to be positioned vertically in the chamber for capturing solids which enter the catch basin through the basin inlet. The filter bag includes an open top, a closed bottom and bag sidewalls extending between the top and the bottom of the bag. Flaps join the top of each bag sidewall and are adapted to be located in the recesses of the basin sidewall and extend away from the basin recesses. A filter bag removal member on each flap adapted to be positioned outside of the catch basin is engageable with a lift member to facilitate removal of the filter bag from the catch basin. The flaps are adapted to be sandwiched against the top of the basin and the grate sides and hold the filter bag in the chambers.

The Kinne patent discloses an irrigation channel weed seed screen. The irrigation channel includes one or more weirs having an opened top, sidewalls and a bottom wall. Water flows in the horizontal direction as designated by numeral 12. A sack is secured to an opening 14 in one of the walls, and is supported by a table 23.

The Kinne patent does not teach or suggest filter bag flaps joining the top of each bag sidewall and adapted to be located in a recess of the basin sidewall and extend away from

the basin recess. Unlike the Kinne weed seed screen, Applicant's invention requires each flap to include a removal member adapted to be positioned outside the catch basin engageable with a lift member to facilitate removal of the filter bag from the catch basin. The Kinne filter bag is adapted to filter water flowing in the lateral or horizontal direction, as opposed to in the vertical direction as required in claim 22 of the present application. The filter bag disclosed in the Kinne patent cannot operate in an environment where the inlet is positioned above the outlet. Therefore, claim 22, as amended, is not anticipated by the Kinne patent, nor is claim 22 obvious over the Kinne patent and, therefore, is in condition for allowance. Claims 23-26 are also patentable for the same reason that claim 22 is patentable.

Further, claims 23, 24 and 26, which depend from claim 22, are patentable over the Kinne patent in and by themselves. Specifically, the Kinne patent does not teach or suggest a loop extending along each flap with an opening in the flap loop and an elongated rigid member fitted in the flap loop with a portion of the member accessible through the opening as claimed in claim 23. Nor does the Kinne patent teach or suggest a filter bag having a pair of separate narrow walls and a pair of wide walls and a single loop extending across the end of each flap, as claimed in claim 24. Also, the Kinne patent is silent as to the use of a plastic woven material as claimed in claim 26. Hence, claims 23, 24 and 26 are patentable over the Kinne patent.

Therefore, for the reasons set forth above, it is believed that claims 22-26 are patentable over the Kinne patent and in condition for allowance.

Claims 27-29 stand rejected under 35 U.S.C. §102 in view of U.S. Patent No. 2,496,757 to Sieling. In response, claim 27 has been amended to include the limitations of claims 28 and 29, that is a removal member secured to the filter bag, wherein a removal member defines an opening engageable with a lift member to facilitate removal of the catch basin filter from the catch basin. Claim 27 has been amended to require the removal member to comprise a non-metallic material. Claims 28 and 29 have been cancelled. In view of this Amendment and the following remarks, it is believed that claim 27 is patentable over the Sieling patent.

The Sieling patent discloses a coffee urn bag made of woven material having a wire basket (see column 4, lines 20-26). A handle is defined in the metal basket as reference numerals 11, 12 and 13. A bag is provided with a tubular hem or heading 9 at its mouth or upper edge to receive a split ring 5.

It is clear that the Sieling patent removal member, as defined by portions 11, 12 and 13, is not made of a non-metallic material, as set forth in claim 27. The non-metallic material permits the lift member to be flexible and rest against an upper surface of the catch basin as shown in Fig. 2 of the present application. To the contrary, the handles of the Sieling device are not flexible and extend above the coffee filter bag. There is no teaching or suggestion in the Sieling patent to make the handles out of a non-metallic material. Furthermore, the coffee filter disclosed in the Sieling patent cannot be used in the environment as set forth in the preamble of amended claim 27, that being for use in a catch basin having an inlet, an outlet,

and basin sidewalls, and a grate positioned on the catch basin overlying the catch basin inlet, wherein the catch basin filter is adapted to be held in place by the catch basin and the grate. Therefore, for the reasons set forth above, Applicant's invention as claimed by amended claim 27, is not anticipated or obviated by the Sieling patent.

Applicant has also added new claims 30-32 directed to a method for installing a catch basin filter as described in the claims. Specifically, the method is directed to having the catch basin filter held in place by the grate of the catch basin. None of the prior art of record teaches or suggests this feature. Therefore, it is believed that claims 30-32 are patentable over the prior art of record.

In view of the foregoing, it is believed that claims 12-27 and 30-32 are patentable over the prior art of record and are in condition for allowance. Reconsideration of the rejections is respectfully requested.

WEBB ZIESENHEIM BRUENING
LOGSDON ORKIN & HANSON, P.C.

By Paul M. Reznick
Paul M. Reznick
Registration No. 33,059
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094